IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 6893 of 2007(U)

PETITIONER:

ALEYAMMA MATHEWKUTTY, W/O.KUZHIYANJAL MATHEWKUTTY, AGED 86 YEARS, RESIDING AT KUZHIYANJAL HOUSE, CHITTETHUKARA, KAKKANAD PO, COCHIN-682 037.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. THE CITY COMMISSIONER OF POLICE, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, THRIKKAKARA.

3. SMT.LEELAMMA PAULOSE, KUZHIYANJAL HOUSE, KAKKANAD P.O., CEPZ, KOCHI-682 037.

4. SMT.LALITHA, C/O.SMT.LEELAMMA PAULOSE, KUZHIYANJAL HOUSE, KAKKANAD P.O., CEPZ, KOCHI-682 037.

rR1 & 2 BY PUBLIC PROSECUTOR SRI.S.U. NAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 6893 OF 2007-U

Dated this the 8th day of March, 2007

JUDGMENT

The grievance of the petitioner is that her complaint – Ext.P1 though received by the police, no action was taken on such complaint. The petitioner – an 80 year old woman, had made the allegations against her daughter-in-law and maid servant in that complaint - Ext.P1 dated 7/2/07. Dissatisfied by the inaction of the police, ever after receipt of such complaint, the petitioner was constrained to come to this Court on 28/2/07 to file this writ petition. On 1/3/07 notice was given to the learned Public Prosecutor. The learned Public Prosecutor was directed to take instructions.

2. The learned Public Prosecutor today submits that Ext.P1 has, in fact, been received and a crime No.91/07 has been registered on 2/3/07 on the basis of Ext.P1 complaint. The needful shall be done and an appropriate investigation shall be undertaken, submits the learned Public Prosecutor on behalf of the 2nd respondent.

3. The crime having been registered, that certainly is the first step towards the redressal of the grievance of the petitioner. The learned counsel for the petitioner submits that the police have been compelled to register the crime now because of the filing of this writ petition and the petitioner does not, in these circumstances, expect justice from the 2nd respondent. Appropriate directions may be issued in the matter to ensure a fair, proper and efficient investigation, submits the learned counsel for the petitioner.

4. The learned Public Prosecutor submits that Ext.P1 complaint was not delivered personally by the petitioner and that it was sent through messenger. The genuineness of the same had to be ascertained. The petitioner had not come before the Sub Inspector. It was, in these circumstances, that there was some delay in the registration of the crime.

5. The explanation/reasons offered cannot be held to be too convincing. However, be that as is may, I am satisfied that, at last, the crime has been registered and the

investigation has commenced. It will be appropriate to observe that the 2nd respondent must conduct a proper, fair and efficient investigation. If the petitioner is dissatisfied with such investigation, needless to say, her option to approach this Court again shall remain unfettered.

6. This writ petition is, in these circumstances, dismissed accepting the submissions of the learned Public Prosecutor.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge